



STATE OF MARYLAND

DHMH

Maryland Department of Health and Mental Hygiene

Board Of Physical Therapy Examiners

BOARD MEETING MINUTES

November 18, 2008

The November 18, 2008 meeting was called to order at 1:05 p.m. by the Call to Order
Chairperson, Margery F. Rodgers, PT.

Board members present:

John Baker, PT
Lois Rosedom-Boyd, Consumer Member
Ved K. Gupta, Consumer Member
Shirley Leeper, PTA, Vice Chairperson
Lori Mizell, PT
Margery F. Rodgers, PT, Chairperson
Stephen Ryan, PT

Also present:

Joy E. Aaron, Deputy Director
Patricia Miller, Licensing Coordinator
Linda Bethman, AAG, Board Counsel
Sandra Kurland, Board Secretary
Ernest Bures, Investigator/Compliance Officer
Teresa Thornton, Investigator
Sharon Bloom
Roberta Gill, Prosecutor

Absent:

Ann E. Tyminski, Executive Director
Donald Novak, PT

PTA students from Carroll Community College attended the open session of the Board meeting. They were addressed by Joy Aaron, Deputy Director, Patricia Miller, Licensing Coordinator and Shirley Leeper, PTA, Vice Chairperson.

Carroll Community
College

Expense sheets were handed out and collected.

Expense Sheets

The minutes of the meeting held on October 21, 2008 were approved as corrected and amended. Minutes

Joy Aaron received an e-mail from Suzanne Havrilla, PT asking if a PTA, who may be the only one seeing a patient, can scribe a new medication from a filled prescription bottle in the home. The Board stated when a new med is added, the PTA should call the supervising PT. The PTA is not the only one seeing the patient. The new med information would then be entered in the computer program. Medication Question

Teresa Thornton received an e-mail with a liability question from Andrea Tadross, PT. A patient has an order for a doppler study to rule out a DVT, however, the MD or PA wants the patient to participate in physical therapy before the DVT is ruled out. If the PT is working with the patient and something medically goes wrong, does the liability fall on the PT? The Board stated that the liability would fall on the PT. The PT should use professional judgment as to whether the patient should be seen. Under 10.38.03.02(A)(3)(b), "The physical therapist may decline to carry out evaluation or treatment of a patient who has been referred to the physical therapist by a health care practitioner if: (i) In the physical therapist's judgment, the evaluation or treatment is contradicted or unjustified; and (ii) The physical therapist documents the decision in the patient's record." Liability Question

In an e-mail, David Bullock, PT asks if CEUs will be awarded for completing FSBPT's Practice Review Tool. The Board stated that CEUs will not be awarded for the Practice Review Tool as it is an assessment tool and as such does not meet the criteria of continuing education as currently defined in the regulations. It is part of continuing competence, but not continuing education. Also the Federation has not submitted the PRT for review by the CEU committee. Practice Review

Joy Aaron received an e-mail from Carolyn Chanoski in reference to the rules for PTs performing manipulation in the state of Maryland. The Board stated that PTs may perform manipulation if the PT is skilled, competent and trained in this procedure. The Board's Practice Act does not itemize scope of practice activities, but answers clarifying questions regarding scope of practice. A licensee can reference the Guide to Practice published by APTA. Manipulation

Patricia Miller received an e-mail from Shaun Moore, PT. Mr. Moore is considering practicing as a contract PT for a physician who would do the billing for the PT services. Mr. Moore wants to know if this is legal. Board counsel weighed in. Ms. Bethman stated that the scenario may implicate Maryland's self-referral laws and/or federal Stark laws. In order to insure that a business relationship is not in violation of these laws, the Board strongly recommends that a licensee consult with private counsel. A PT is always responsible for appropriate and accurate billing of his or her services regardless of how the practice is organized. Contract PT Billing

Paul Paulo, PT sent an e-mail to Joy Aaron in reference to discharge summaries. A PRN PT comes in on weekends and sometimes after 3 pm on weekdays. The patients she evaluates are turned over to a full time PTA. Mr. Paulo wants to know who is responsible for writing the discharge summary. The Board stated that the supervising PT is responsible for writing the discharge summary. The PTA cannot write the discharge summary. Being part-time does not relinquish the PT's responsibilities.

Discharge
Summaries

Continuing Education

A licensee is participating in Spinal Cord Injury Rehabilitation research through the National Rehabilitation Hospital in Washington, D.C. and is asking for approval of CEUs. The Board stated that CEUs were denied for this research. If this had been authored by the licensee, CEUs could be granted.

"Elder Abuse: Safeguarding Vulnerable Adults", sponsored by Hagerstown Community College was approved for 0.6 CEUs.

"Cancer Exercise Specialist Advanced Qualification" was denied. The instructor's CV was reviewed and the Board found the instructor not qualified to teach this course.

"Redefining the Potential for Emotional & Social Functioning in Children with Autism and Special Needs" was given partial CEU credits. The session on Thursday, November 6, 2008, 1:30 – 8:30 was approved for 0.6 CEUs. The session on Thursday, November 6, 2008, 5:30 – 8:30 was approved for 0.3 CEUs.

"Giving Children the Gift of Yoga" was denied as it was not geared for a professional audience.

"Cardiac Specialty Care Program" was approved for 0.4 CEUs.

"Mindfulness Based Stress Reduction" was submitted by a licensee. This course was denied by the Board as it is not related to physical therapy and not geared for a professional audience.

"The Insulin Connection" was deferred until December Board meeting. It had previously been approved for 0.3 CEUs instead of the requested 0.6 CEUs. Additional information was submitted and needs further review.

The 2007 FSBPT Delegate Assembly motion to study the availability of remediation courses specifically for PTs and PTAs who have been disciplined for ethical behavioral issues was distributed for review.

Delegate Assembly
Motion

Steve Strunk submitted Colorado's Animal Physical Therapy Rules and Regulations for the Board's examination and discussion. The Board felt that these rules and regulations are aligned to the Board's views and seem to be a reasonable model. The Board was against the supervisory relationship, although a veterinarian clearing the animal for physical therapy was ok. Issues of jurisdiction were not addressed.

Animal PT

Reports

Income Summaries were distributed.

Income Summaries

Shirley Leeper, PTA reviewed her report of the annual APTA of Maryland fall meeting, held on November 15, 2008. She noted that the athletic trainers are planning to introduce a new bill in 2008. APTA is still looking for volunteers to help with this issue.

APTA Meeting

Shirley Leeper, PTA reviewed her report of the FSBPT meeting held on September 12-15, 2008.

FSBPT Meeting

Information

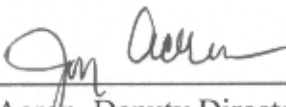
The Oklahoma Board of Physical Therapy Newsletter was distributed for review.

Oklahoma
Newsletter

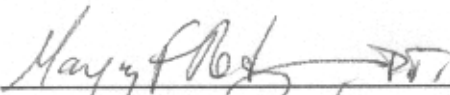
The open session of the meeting adjourned and entered closed session at 2:25 p.m. for the purpose of medical review deliberations of applications, according to Section 10-508 (a)(13).

Respectfully submitted,

December 16, 2008
Date approved



Joy Aaron, Deputy Director



Margery Rodgers, PT, Chairperson